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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIE WOFFORD,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

DECISION and ORDER

11-CV-6347-CJS

FILED

JUL 26 2011



Plaintiff has submitted a complaint to the Court pursuant to 42 U.S.C. 405(g), seeking review of the Social Security Administration denial of her claim. Plaintiff seeks permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. In order for the Court to grant this request, it needs sufficient information on which to base its determination.

Here, the documentation plaintiff has submitted is inadequate to permit the Court to evaluate the request. Specifically, plaintiff has provided contradictory answers to questions asked on the Court's form motion to proceed *in forma pauperis* (Docket No. 2). In response to question number 2 of the form, plaintiff states that the only income she receives is from friends, relatives or other sources. Plaintiff leaves blank, however, the source of the income and how much money she receives each month. In response to question number 11 on the same form, plaintiff states that she has no source of income. She also states that she and her mother are in the household but lists no income for either of them (question number 10).

In order for the Court to rule on the motion, plaintiff needs to submit a complete application that lists the source and amount of all income she receives herself, and that her mother contributes to household expenses. For example, if her mother is paying all household bills, the plaintiff needs to state the amount of money her mother is contributing to household expenses. If neither plaintiff nor her mother has any income, she needs to state how she and her mother support themselves. Plaintiff is further advised to complete question number 9 of the form which states her monthly household expenses and how they are being paid.

Because the Court cannot grant the request on the basis of the information included in the application, plaintiff may have until **August 26, 2011** to submit a new application which includes all the necessary information, including the additional information described above.¹

The Clerk of the Court is directed to send plaintiff a new form application to proceed as a poor person.

By **August 26, 2011**, plaintiff must either submit a newly-completed application form which includes all of the above-described additional information needed for the Court's determination of the request or pay the full filing fee of \$350.00. Plaintiff is forewarned that failure to comply with this order by either submitting a new and complete

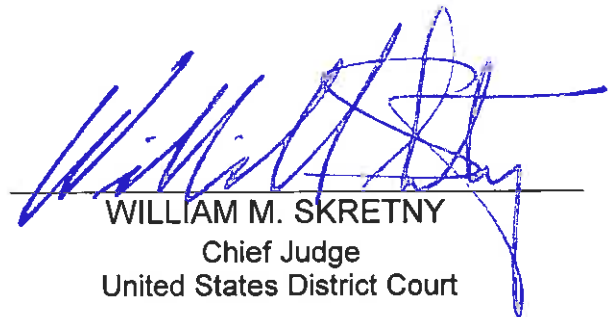
¹Plaintiff is advised that judicial review of a Social Security Administration final decision may be sought within sixty days of the receipt of the written notification of denial of the claim, or within such extended time as granted for good cause by the Commissioner of the Social Security Administration. See 42 U.S.C. 405(g). The Social Security Administration Appeals Council denied plaintiff's appeal on March 22, 2011 and plaintiff's complaint (Docket # 1) was filed on July 14, 2011, well beyond the sixty-day limitation period. Plaintiff will need to show that she received the denial of the claim within sixty days prior to filing the complaint in this Court or that an extension of time to file the lawsuit was granted by the Commissioner of the Social Security Administration. The Court will review this issue after the plaintiff responds to this order.

application or paying the filing fee by the designated date will result in the dismissal of this case without prejudice.

If plaintiff has not complied with this order by **August 26, 2011**, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order.

SO ORDERED

Dated: 7/22, 2011
Buffalo, New York



WILLIAM M. SKRETNY
Chief Judge
United States District Court